



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Homer Garrison, Jr., Director  
Department of Public Safety  
Camp Mabry  
Austin, Texas

Dear Sir:

Opinion No. O-2215  
Re: Disposition of sum of money  
held by Narcotic Drug Division  
at time of its abolition.

In your letter of April 11, 1940, you advise us  
of the following facts:

"Prior to September 1, 1939, and during  
the existence of the Narcotic Division of  
this department, which was abolished by the  
appropriation bill for the ensuing biennium,  
it was necessary for the Chief of the Division  
to keep available undercover funds for  
the purchase of narcotic drugs being sold in  
violation of the law so that cases could be  
made against such handlers of drugs. It  
was necessary to keep quite a sum of money  
on hand for this purpose, and at the time  
that this division was abolished, Captain  
J. B. Wheatley, Chief of said Division, had  
on hand the sum of one thousand (\$1,000.00)  
dollars. This money was turned over to the  
Director of the Department of Public Safety,  
who now has such money in his possession."

You request us to advise you as to the procedure  
necessary to turn said money into the funds of the State  
of Texas.

In the Uniform Narcotic Drug Act, being Chapter  
169, beginning at page 333, General and Special Laws,  
Acts of the 45th Legislature, Regular Session, we find  
there was an appropriation of \$20,000.00 out of the  
general fund for the use of the Department of Public  
Safety for the necessary expenses in the administration

Honorable Homer Garrison, Jr., Page 2

and enforcement of the provisions of the Act. We understand that the sum of \$1,000.00 which you mention is a part of that appropriation, and which had been withdrawn from the general fund for the uses authorized by the Act. Since that sum came from the general fund, it should now be returned to that account. You should therefore deliver the same to the Comptroller, making the check payable to the State Treasury.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*Glenn R. Lewis*  
Glenn R. Lewis  
Assistant

GRL:GO

APPROVED APR 19, 1940

*Gen. G. W. Davis*  
ATTORNEY GENERAL OF TEXAS

